

## REMARKS

### *Summary*

Amended independent Claim 4 recites at least one feature not disclosed or suggested by the patents to Ando, et al. and Iizuka patent. Therefore, are the outstanding rejections of these claims over this art still proper?

### *Status of the claims*

Claims 4, 5, and 7-10 are pending. Claim 4 has been amended. Claim 6 has been canceled without prejudice. Claims 7-10 have been added. Claims 4, 7, and 9 are independent.

### *Requested Action*

Applicants request favorable reconsideration of the subject application in view of the foregoing amendments and the following remarks.

### *Objection to Information Disclosure Statement*

The Examiner objects to the Information Disclosure Statement filed April 11, 2001 apparently because it was missing a Form PTO-1449. In response, Applicant filed a Request to consider the Information Disclosure Statement, along with a copy of the Form PTO-1449. Accordingly, Applicant now requests that the Examiner consider the art cited in the April 11, 2001 Information Disclosure Statement.

*Substantive Rejections*

Claims 4 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,013,339 (Ando, et al.). Claims 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 2 of U.S. Patent No. 6,246,520 (Iizuka).

*Response to substantive rejections*

In response, while not conceding the propriety of the rejections, Claim 4 has been amended to recite a sensor for detecting vibration of the observation optical system, and a driver for driving the optical member on the basis of an output of the sensor so as to stabilize the image to be observed by changing the traveling direction of light from the objective lens. In contrast, the disclosure of the patent to Ando, et al. and Claims 1 and 2 of the patent to Iizuka are not understood to disclose or suggest a sensor for detecting vibration of the observation optical system, and a driver for driving the optical member on the basis of an output of the sensor so as to stabilize the image to be observed by changing the traveling direction of light from the objective lens, as recited by amended Claim 4. For this reason, amended Claim 4 is allowable over this art. In addition, Applicant currently intends to file a Terminal Disclaimer, thereby overcoming the rejection over the Iizuka patent for this additional reason.

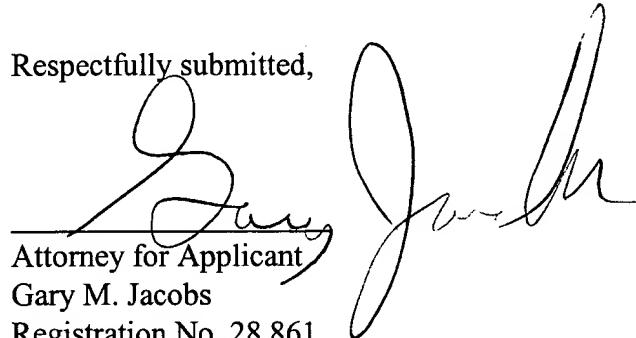
In addition, new independent Claims 7 and 9 are allowable because the disclosure of the patent to Ando, et al. and Claims 1 and 2 of the patent to Iizuka are not understood to disclose or suggest an optical member disposed at a position which is ahead of an erect optical unit and at which the light from the optical unit is converged, for stabilizing the image to be observed by

changing a traveling direction of light from the optical unit, as recited by Claim 7, or an optical member disposed at a ray-converging position ahead of the erect optical unit, for stabilizing the image to be observed by changing a traveling direction of light from the optical unit, as recited by Claim 9.

In view of the above amendments and remarks, the independent claims and their dependent claims are now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
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**MARKED-UP CLAIM SHEET**

4. (Amended) An observation optical system comprising:

an objective lens for forming an image of an object;

an erect prism for converting the image formed by the objective lens into an erect image;

an eyepiece lens for observing the erect image converted by the erect prism; and

an optical member disposed between said objective lens and said erect prism for stabilizing the image to be observed by changing a traveling direction of light from said objective lens[.];

a sensor for detecting vibration of said observation optical system; and

a driver for driving said optical member on the basis of an output of said sensor so as to stabilize the image to be observed by changing the traveling direction of light from said objective lens.

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